

House File 2390

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HOUSE FILE 2390

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1 3 AN ACT
1 4 MAKING TECHNICAL CHANGES TO PROGRAMS UNDER THE PURVIEW OF THE
1 5 DEPARTMENT OF HUMAN SERVICES.
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1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 8
1 9 Section 1. Section 225C.42, subsection 1, Code Supplement
1 10 2003, is amended to read as follows:
1 11 1. The department shall conduct ~~an annual~~ a periodic
1 12 evaluation of the family support subsidy program and shall
1 13 submit the evaluation report with recommendations to the
1 14 governor and general assembly ~~by September 30 following the~~
~~1 15 end of the fiscal year.~~
1 16 Sec. 2. Section 225C.42, subsection 2, paragraph a, Code
1 17 Supplement 2003, is amended to read as follows:
1 18 a. A statement of the number of children and families
1 19 served by the program during the ~~fiscal year~~ period and the
1 20 number remaining on the waiting list at the end of the ~~fiscal~~
~~1 21 year period.~~
1 22 Sec. 3. Section 232.2, subsection 13, Code Supplement
1 23 2003, is amended to read as follows:
1 24 13. "Department" means the department of human services
1 25 and includes the local, county, and ~~regional~~ service area
1 26 officers of the department.
1 27 Sec. 4. Section 232.52, subsection 2A, Code Supplement
1 28 2003, is amended to read as follows:
1 29 2A. Notwithstanding subsection 2, the court shall not
1 30 order group foster care placement of the child which is a
1 31 charge upon the state if that placement is not in accordance
1 32 with the ~~regional~~ service area plan for group foster care
1 33 established pursuant to section 232.143 for the departmental
1 34 ~~region~~ service area in which the court is located.
1 35 Sec. 5. Section 232.52, subsection 7, Code Supplement
2 1 2003, is amended to read as follows:
2 2 7. If the court orders the transfer of the custody of the
2 3 child to the department of human services or to another agency
2 4 for placement in group foster care, the department or agency
2 5 shall make every reasonable effort to place the child ~~within~~
~~2 6 the state,~~ in the least restrictive, most family-like, and
2 7 most appropriate setting available and in close proximity to
2 8 the parents' home, consistent with the child's best interests
2 9 and special needs, and shall consider the placement's
2 10 proximity to the school in which the child is enrolled at the
2 11 time of placement.
2 12 Sec. 6. Section 232.68, subsection 4, Code Supplement
2 13 2003, is amended to read as follows:
2 14 4. "Department" means the state department of human
2 15 services and includes the local, county, and ~~regional~~ service
~~2 16 area~~ offices of the department.
2 17 Sec. 7. Section 232.72, subsection 1, Code Supplement
2 18 2003, is amended to read as follows:
2 19 1. For the purposes of this division, the terms
2 20 "department of human services", "department", or "county
2 21 attorney" ordinarily refer to the ~~regional~~ service area or
2 22 local office of the department of human services or of the
2 23 county attorney's office serving the county in which the
2 24 child's home is located.
2 25 Sec. 8. Section 232.102, subsection 1A, Code Supplement
2 26 2003, is amended to read as follows:
2 27 1A. The court shall not order group foster care placement
2 28 of the child which is a charge upon the state if that
2 29 placement is not in accordance with the ~~regional~~ service area
2 30 plan for group foster care established pursuant to section
2 31 232.143 for the departmental ~~region~~ service area in which the
2 32 court is located.
2 33 Sec. 9. Section 232.102, subsection 7, Code Supplement
2 34 2003, is amended to read as follows:
2 35 7. In any order transferring custody to the department or
3 1 an agency, or in orders pursuant to a custody order, the court
3 2 shall specify the nature and category of disposition which
3 3 will serve the best interests of the child, and shall
3 4 prescribe the means by which the placement shall be monitored
3 5 by the court. If the court orders the transfer of the custody

6 of the child to the department of human services or other
agency for placement, the department or agency shall submit a
case permanency plan to the court and shall make every
reasonable effort to return the child to the child's home as
quickly as possible consistent with the best interests of the
child. When the child is not returned to the child's home and
if the child has been previously placed in a licensed foster
care facility, the department or agency shall consider placing
the child in the same licensed foster care facility. If the
court orders the transfer of custody to a parent who does not
have physical care of the child, other relative, or other
suitable person, the court may direct the department or other
agency to provide services to the child's parent, guardian, or
custodian in order to enable them to resume custody of the
child. If the court orders the transfer of custody to the
department of human services or to another agency for
placement in group foster care, the department or agency shall
make every reasonable effort to place the child ~~within Iowa,~~
in the least restrictive, most family-like, and most
appropriate setting available, and in close proximity to the
parents' home, consistent with the child's best interests and
special needs, and shall consider the placement's proximity to
the school in which the child is enrolled at the time of
placement.

Sec. 10. Section 232.102, Code Supplement 2003, is amended
by adding the following new subsection:

NEW SUBSECTION. 13. Unless prohibited by the court order
transferring custody of the child for placement or other court
order or the department or agency that received the custody
transfer finds that allowing the visitation would not be in
the child's best interest, the department or agency may
authorize reasonable visitation with the child by the child's
grandparent, great-grandparent, or other adult relative who
has established a substantial relationship with the child.

Sec. 11. Section 232.117, subsection 4, Code Supplement
2003, is amended to read as follows:

4. The court shall not order group foster care placement
of the child which is a charge upon the state if that
placement is not in accordance with the regional service area
plan for group foster care established pursuant to section
232.143 for the departmental region service area in which the
court is located.

Sec. 12. Section 232.127, subsection 8, Code Supplement
2003, is amended to read as follows:

8. The court shall not order group foster care placement
of the child which is a charge upon the state if that
placement is not in accordance with the regional service area
plan for group foster care established pursuant to section
232.143 for the departmental region service area in which the
court is located.

Sec. 13. Section 232.143, Code Supplement 2003, is amended
to read as follows:

232.143 ~~REGIONAL~~ REGIONAL SERVICE AREA GROUP FOSTER CARE BUDGET
TARGETS.

1. A statewide expenditure target for children in group
foster care placements in a fiscal year, which placements are
a charge upon or are paid for by the state, shall be
established annually in an appropriation bill by the general
assembly. ~~The Representatives of the department and the~~
~~judicial branch juvenile court services~~ shall jointly develop
a formula for allocating a portion of the statewide
expenditure target established by the general assembly to each
of the department's regions service areas. The formula shall
be based upon the region's service area's proportion of the
state population of children and of the statewide usage of
group foster care in the previous five completed fiscal years
and upon other indicators of need. The expenditure amount
determined in accordance with the formula shall be the group
foster care budget target for that region service area. A
region service area may exceed ~~its~~ the service area's budget
target for group foster care by not more than five percent in
a fiscal year, provided the overall funding allocated by the
department for all child welfare services in the region
service area is not exceeded.

2. For each of the department's regions service areas,
representatives appointed by the department and ~~the~~ juvenile
court services shall establish a plan for containing the
expenditures for children placed in group foster care ordered
by the court within the budget target allocated to that region
service area pursuant to subsection 1. The plan shall be
established in a manner so as to ensure the budget target

5 17 amount will last the entire fiscal year. The plan shall
5 18 include monthly targets and strategies for developing
5 19 alternatives to group foster care placements in order to
5 20 contain expenditures for child welfare services within the
5 21 amount appropriated by the general assembly for that purpose.
5 22 Funds for a child placed in group foster care shall be
5 23 considered encumbered for the duration of the child's
5 24 projected or actual length of stay, whichever is applicable.
5 25 Each ~~regional~~ service area plan shall be established within
5 26 sixty days of the date by which the group foster care budget
5 27 target for the ~~region~~ service area is determined. To the
5 28 extent possible, the department and the juvenile court
5 29 services shall coordinate the planning required under this
5 30 subsection with planning for services paid under section
5 31 232.141, subsection 4. The department's ~~regional~~
5 32 ~~administrator~~ service area manager shall communicate
5 33 regularly, as specified in the ~~regional~~ service area plan,
5 34 with the ~~chief juvenile courts~~ court officers within that
5 35 ~~region~~ service area concerning the current status of the
6 1 ~~regional~~ service area plan's implementation.
6 2 3. State payment for group foster care placements shall be
6 3 limited to those placements which are in accordance with the
6 4 ~~regional~~ service area plans developed pursuant to subsection
6 5 2.
6 6 Sec. 14. Section 232.188, subsection 4, Code Supplement
6 7 2003, is amended to read as follows:
6 8 4. In a decategorization agreement, the department and the
6 9 county's or group of counties' decategorization governance
6 10 board shall agree on all of the following items: the
6 11 governance relationship between the department and the
6 12 decategorization governance board; the respective areas of
6 13 autonomy of the department and the board; the budgeting
6 14 structure for the decategorization; and a method for resolving
6 15 disputes between the department and the board. The
6 16 decategorization agreement shall require the department and
6 17 the decategorization governance board to agree upon a budget
6 18 within sixty days of the date by which the ~~regional~~ group
6 19 foster care budget targets are determined for departmental
6 20 service areas under section 232.143 for the fiscal year to
6 21 which the budget applies. The budget may later be modified to
6 22 reflect new or changed circumstances.
6 23 Sec. 15. Section 234.35, subsection 1, paragraph e, Code
6 24 Supplement 2003, is amended to read as follows:
6 25 e. When a court has entered an order transferring the
6 26 legal custody of the child to a foster care placement pursuant
6 27 to section 232.52, subsection 2, paragraph "d", or section
6 28 232.102, subsection 1. However, payment for a group foster
6 29 care placement shall be limited to those placements which
6 30 conform to a ~~regional~~ service area group foster care plan
6 31 established pursuant to section 232.143.
6 32 Sec. 16. Section 235B.1, subsection 4, paragraph a,
6 33 subparagraph (1), Code 2003, is amended to read as follows:
6 34 (1) Advise the director of human services ~~and the~~
6 35 ~~administrator of the division of child and family services of~~
7 1 ~~the department of human services, the director of elder~~
7 2 ~~affairs, the director of inspections and appeals, the director~~
7 3 ~~of public health, the director of the department of~~
7 4 ~~corrections, and the director of human rights regarding~~
7 5 dependent adult abuse.
7 6 Sec. 17. Section 235B.3, subsections 2 and 3, Code
7 7 Supplement 2003, are amended to read as follows:
7 8 2. ~~All of the following persons shall report suspected~~
7 9 ~~dependent adult abuse to the department:~~
7 10 ~~a. A social worker.~~
7 11 ~~b. A certified psychologist.~~
7 12 ~~c. 2. A person who, in the course of employment,~~
7 13 ~~examines, attends, counsels, or treats a dependent adult and~~
7 14 ~~reasonably believes the dependent adult has suffered abuse,~~
7 15 ~~shall report the suspected dependent adult abuse to the~~
7 16 ~~department including all of the following:~~
7 17 ~~(1) a. A member of the staff of a community mental health~~
7 18 ~~center, a member of the staff of a hospital, a member of the~~
7 19 ~~staff or employee of a public or private health care facility~~
7 20 ~~as defined in section 135C.1, a member of the staff or~~
7 21 ~~employee of an elder group home as defined in section 231B.1,~~
7 22 ~~a member of the staff or employee of an assisted living~~
7 23 ~~program certified under section 231C.3, and a member of the~~
7 24 ~~staff or employee of an adult day services program as defined~~
7 25 ~~in section 231D.1.~~
7 26 ~~(2) b. A peace officer.~~
7 27 ~~(3) c. An in-home homemaker=home health aide.~~

7 28 ~~(4)~~ d. An individual employed as an outreach person.
7 29 ~~(5)~~ e. A health practitioner, as defined in section
7 30 232.68.
7 31 ~~(6)~~ f. A member of the staff or an employee of a
7 32 supported community living service, sheltered workshop, or
7 33 work activity center.
7 34 g. A social worker.
7 35 h. A certified psychologist.
8 1 ~~d. A person who performs inspections of elder group homes~~
8 2 ~~for the department of inspections and appeals and a resident~~
8 3 ~~advocate committee member assigned to an elder group home~~
8 4 ~~pursuant to chapter 231B.~~
8 5 3. a. If a staff member or employee is required to report
8 6 pursuant to this section, the person shall immediately notify
8 7 ~~the department and shall also immediately notify the person in~~
8 8 ~~charge or the person's designated agent, and the person in~~
8 9 ~~charge or the designated agent shall make the report by the~~
8 10 ~~end of the next business day.~~
8 11 b. The employer or supervisor of a person who is required
8 12 to or may make a report pursuant to this section shall not
8 13 apply a policy, work rule, or other requirement that
8 14 interferes with the person making a report of dependent adult
8 15 abuse or that results in the failure of another person to make
8 16 the report.
8 17 Sec. 18. Section 235B.3, Code Supplement 2003, is amended
8 18 by adding the following new subsection:
8 19 NEW SUBSECTION. 3A. An employee of a financial
8 20 institution may report suspected financial exploitation of a
8 21 dependent adult to the department.
8 22 Sec. 19. Section 237.5A, Code 2003, is amended by adding
8 23 the following new unnumbered paragraph:
8 24 NEW UNNUMBERED PARAGRAPH. A licensee who is unable to
8 25 complete six hours of foster parent training prior to annual
8 26 licensure renewal because the licensee is engaged in active
8 27 duty in the military service shall be considered to be in
8 28 compliance with the training requirement for annual licensure
8 29 renewal.
8 30 Sec. 20. Section 252B.9, Code 2003, is amended by adding
8 31 the following new subsection:
8 32 NEW SUBSECTION. 4. Nothing in this chapter, chapter 252A,
8 33 252C, 252D, 252E, 252F, 252G, 252H, 252I, 252J, or 252K, or
8 34 any other comparable chapter or law shall preclude the unit
8 35 from exchanging any information, notice, document, or
9 1 certification with any government or private entity, if the
9 2 exchange is not otherwise prohibited by law, through mutually
9 3 agreed upon electronic data transfer rather than through other
9 4 means.
9 5 Sec. 21. Section 252H.8, subsection 4, paragraph b, Code
9 6 2003, is amended to read as follows:
9 7 b. The return of service, acceptance of service, or signed
9 8 statement by the parent requesting review and adjustment or
9 9 requesting modification, waiving service of the notice.
9 10 Sec. 22. Section 252H.15, subsection 2, Code 2003, is
9 11 amended to read as follows:
9 12 2. Notice shall be served upon each parent in accordance
9 13 with the rules of civil procedure, except that a parent
9 14 requesting a review pursuant to section 252H.13 may shall
9 15 waive the right to personal service of the notice in writing
9 16 and accept service by regular mail. If the service by regular
9 17 mail does not occur within ninety days of the written waiver
9 18 of personal service, personal service of the notice is
9 19 required unless a new waiver of personal service is obtained.
9 20 Sec. 23. Section 252H.19, subsection 2, unnumbered
9 21 paragraph 1, Code 2003, is amended to read as follows:
9 22 The notice shall be served upon each parent in accordance
9 23 with the rules of civil procedure, except that a parent
9 24 requesting modification shall, at the time of the request,
9 25 waive the right to personal service of the notice in writing
9 26 and accept service by regular mail. The unit shall adopt
9 27 rules pursuant to chapter 17A to ensure that all of the
9 28 following are included in the notice:
9 29 Sec. 24. Section 252J.5, subsection 3, Code 2003, is
9 30 amended to read as follows:
9 31 3. Following issuance of a certificate of noncompliance,
9 32 if the obligor enters into a written agreement with the unit,
9 33 the unit shall issue a withdrawal of the certificate of
9 34 noncompliance to any appropriate licensing authority and shall
9 35 forward a copy of the withdrawal by regular mail to the
10 1 obligor and any appropriate licensing authority.
10 2 Sec. 25. Section 252J.6, subsection 2, paragraph a, Code
10 3 2003, is amended to read as follows:

10 4 a. That ~~a copy of~~ the certificate of noncompliance or
10 5 withdrawal of the certificate of noncompliance has been
10 6 provided to the licensing authorities named in the notice
10 7 provided pursuant to section 252J.3.
10 8 Sec. 26. Section 252J.7, subsection 1, Code 2003, is
10 9 amended to read as follows:
10 10 1. If the individual fails to respond to the notice of
10 11 potential license sanction provided pursuant to section 252J.3
10 12 or the unit issues a written decision under section 252J.6
10 13 which states that the individual is not in compliance, the
10 14 unit shall ~~certify, in writing, issue a certificate of~~
~~10 15 noncompliance to any appropriate licensing authority that the~~
~~10 16 support obligor is not in compliance with a support order or~~
~~10 17 the individual is not in compliance with a subpoena or warrant~~
~~10 18 and shall include a copy of the certificate of noncompliance.~~
10 19 Sec. 27. Section 235A.15, subsection 10, if enacted by
10 20 2004 Iowa Acts, House File 2328, section 7, is amended to read
10 21 as follows:
10 22 10. The information released by the director of human
10 23 services or the director's designee pursuant to a request made
10 24 under subsection 9 relating to a case of founded child abuse
10 25 involving a fatality or near fatality to a child shall ~~be a~~
~~10 26 summary of~~ include all of the following, unless such
10 27 information is excepted from disclosure under subsection 9:
10 28 a. Any relevant child abuse ~~report data information~~
10 29 concerning the child or the child's family and the
10 30 department's response and findings ~~concerning the report data,~~
~~10 31 including but not limited to assessment and disposition data.~~
10 32 b. ~~Information~~ A summary of information, that would
10 33 otherwise be confidential under section 217.30, as to whether
10 34 or not the child or a member of the child's family was
10 35 utilizing social services provided by the department at the
11 1 time of the child fatality or near fatality or within the
11 2 five-year period preceding the fatality or near fatality.
11 3 c. Any recommendations made by the department to the
11 4 county attorney or the juvenile court.
11 5 d. If applicable, a summary of an evaluation of the
11 6 department's responses in the case.
11 7 Sec. 28. CHILD DEVELOPMENT HOMES == PROVIDER
11 8 QUALIFICATIONS. The department of human services shall revise
11 9 the department's standards for child development home provider
11 10 qualifications under category "C" which are applicable at
11 11 times when more than one qualified provider must be present.
11 12 The revised standards shall provide that one of the providers
11 13 required to be present must meet the provider qualifications
11 14 for category "C" and allow any other providers required to be
11 15 present to meet the provider qualifications for either
11 16 category "B" or "C". Until the revised standards are adopted,
11 17 a provider to which the revised standards would be applicable
11 18 may request approval from the department for an exception to
11 19 policy for the provider to operate under the revised standards
11 20 as described in this section prior to adoption of the revised
11 21 standards.

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11 25 _____
11 26 CHRISTOPHER C. RANTS
11 27 Speaker of the House
11 28

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11 30 _____
11 31 JEFFREY M. LAMBERTI
11 32 President of the Senate

11 33 I hereby certify that this bill originated in the House and
11 34 is known as House File 2390, Eightieth General Assembly.
11 35

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12 3 _____
12 4 MARGARET THOMSON
12 5 Chief Clerk of the House

12 6 Approved _____, 2004
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12 8 _____
12 9 THOMAS J. VILSACK
12 10 Governor